

UCD-B APL Response



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Yaacov ALMOG  
Serial Number: 10/039,481  
Filed: January 8, 2002  
For: TONER PARTICLES WITH MODIFIED CHARGEABILITY  
Examiner: RODEE, C. D.  
Art Unit: 1756

*Note*  
*CG*

Mail Stop Appeal Brief-Parents  
Commissioner for Patents  
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**RESPONSE TO EXAMINER'S ANSWER**

Sir:

Further to an Examiner's Answer dated June 25, 2004 in the above referenced application, the following is appellant's response:

Items (1)-(5) No comment.

Item (6)-In view of the Examiner's acceptance of argument L claim 45 remains rejected only under 35 U.S.C. §112 (new matter). Claim 45/32 (Group 14) is patentable if argument A is accepted by the board and claim 45/33 (Group 21) is patentable if argument B is accepted by the board. The groups remain independent, since no other group of claims stand and fall with the same combination of arguments as groups 14 and 21.

Item (7)-The Examiner's finding is traversed. It should be quite clear that groups of claims having different combinations of reasons for patentability (arguments) will not stand or fall together. Clearly, if group A has arguments 1 and 2 and Group B has arguments 1 and 3, these groups do not fall together, although they may stand together if argument 1 is accepted. Similarly if Groups B and C are rejected under 35 U.S.C. §112 and also under 35 U.S.C. §102 or §103, and different arguments are advanced to overcome the art rejections, then these groups may fall

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